

FREEDOM OF INFORMATION STATEMENT 2023/24

This Freedom of Information Statement is published by Barunga West Council (Council) pursuant to Section 10(1)(a) of the *Freedom of Information Act 1991* (FOI Act).

Subject to certain restrictions, the FOI Act gives members of the public a legally enforceable right to access information held by South Australian (Local) Government agencies such as Councils. The purpose of this statement is to assist members of the public to identify the functions and decision making processes of Council, detail the type of information held by Council and advise how it can be accessed by the public.

An updated Freedom of Information Statement will be published on the Council's website each financial year.

1 Structure and Functions of Council

1.1 Full Council and provisions for meeting procedures

The Council consists of the Principal Member (*Mayor*) and 8 Elected Members who represent all residents and ratepayers district-wide. 'Council' is the body corporate consisting of Elected Members as constituted under the *Local Government Act 1999* (LG Act). Council is established to provide for the government and management of its area at the local level and, in particular:

- a) to act as a representative, as informed and responsible decision-makers in the interest of its community;
- b) to provide and co-ordinate various public services, facilities and develop its community and resource in a socially just and ecologically sustainable manner;
- c) to encourage and develop initiatives within its community for improving the quality of life of the community;
- d) to represent the interests of its community to the wider community; and
- e) to exercise, perform and discharge the powers, functions and duties of local government under the *LG Act*¹ and other acts in relation to the area for which it is constituted.

Ordinary meetings of the Council are held at the main Council Office at Port Broughton and in locations throughout the Council area as determined by resolution of Council and commence at 6.00pm on the second Tuesday of each month, except January where the meeting is to be held on the thirds Tuesday of the month.

All meetings are open to the public, with the exception of any matters subject to an order of confidentiality². Notice of all meetings of Council and its Committees are available on the website and at the principal Office of Council in Port Broughton.

One of the main opportunities for the community to gain information about the business of Council, is through its agendas and associated reports prepared for Council and Committee meetings. Agendas, including minutes of the previous meetings and supporting documentation, are placed on public display no less than three days prior to meetings on Council's website at www.barungawest.sa.gov.au and at the principal office of the Council.

¹ Section 6 of the *Local Government Act 1999*

² Section 90 of the *Local Government Act 1999*

Electronic version within the Record Management System is the controlled version.
Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Notice of a meeting and the agenda are kept on public display until the completion of the relevant meeting and continue to be published on the website.

1.2 Council Committees and Subsidiaries

Committees streamline Council business and assist in the performance of its functions. The membership of Committees and their Terms of Reference are determined by the Council.

Committees meet at intervals determined in their Terms of Reference (available on Council's website and at Council Offices) and make recommendations to Council. Meetings of Committees are open to the public with the exception of any matters subject to an order of confidentiality³, and are publicly notified in the same way as Council meetings.

Chapter 6 of the LG Act and the *Local Government (Procedures at Meetings) Regulations 2013* prescribe the way meetings of a Council and its Committees are to be conducted.

Section 41 of the LG Act empowers a Council to establish committees:

- a) To assist the Council in the performance of its functions
- b) To enquire into and report to Council matters within the ambit of Council's responsibilities
- c) To provide advice to the Council
- d) To exercise, perform or discharge delegated powers, functions or duties

Whilst Council Committees may be established at the discretion of Council, there are a number of Committees required to be established under other pieces of legislation, such as:

- Audit & Risk Committee
- Council Assessment Panel
- Building Fire Safety Committee

Schedule 1 of this statement lists the various committees of Council, and identifies the various legislation in which they have been established. It also lists external groups where Council is represented, which informs Council of important issues either within / or that may have an effect in the community.

1.3 External Committees/Boards/Associations

Council participates in a number of external Committees, Boards and Associations, comprising Elected Members, staff and the public and these are listed in Schedule 1.

1.4 Delegations

The Chief Executive Officer and Council Assessment Panel have delegated authority from Council to make decisions on specified administrative and policy matters. The Chief Executive Officer may sub-delegate to an employee or a Committee.

Council's Delegations Register reflects the delegated authority from the Council to the CEO (and subsequently any further sub-delegations).

³ Section 90 of the *Local Government Act 1999*

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1.5 Functions of Council

The functions of Council⁴ include:

- a) to plan at the local and regional level for the development and future requirements of its area;
- b) to provide services and facilities that benefit its area, its ratepayers, residents, and visitors to its area;
- c) to provide for the welfare, well-being and interests of individuals and groups within its community;
- d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- e) to manage, develop, protect, restore, enhance, and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- f) to provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);
- g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- h) to establish and support organisations or programs that benefit people in its area or local government generally;
- i) to manage and (if appropriate), develop public areas vested in, or occupied by, the Council;
- j) to manage, improve and develop resources available to the Council; and
- k) to undertake other functions and activities conferred by or under an Act.

1.6 Services for the Community

Council is required by legislation to:

- Develop and adopt Strategic Management Plans (S.122 LG Act)
- Prepare and adopt annual business plans and budgets (S.123 LG Act)
- Establish an Audit Committee (S.126 LG Act)
- Develop appropriate policies, practices and processes of internal control (S.125 LG Act)
- Establish policies and processes for dealing with complaints, requests for service, and internal review of Council decisions (S.270 LG Act)

Council is also required under other various pieces of legislation to:

- Determine policies to be applied by the Council
- Set performance objectives
- Deliver planning and development, dog and cat management, fire prevention and certain public health services
- Provide the necessary administrative services to support Council's functions

Other services and activities are provided through the decision making processes of Council in response to local needs, interests and aspirations of individuals and groups within the community to ensure that Council resources are used equitably.

⁴ Section 7 of the *Local Government Act 1999*

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Other core services provided by Council include:

- Animal Management
- Cemeteries
- Citizenship Ceremonies
- Community Library
- Development
- Parks / Gardens & Ovals
- Pest & Weed Management
- Rubbish and Recycling
- Roads
- Rural Property Addressing
- Rural Transaction Centre

2 Public Participation

Members of the public have a number of opportunities to express their views on particular issues before Council. These include:

Deputations to Council – With the written permission of the Presiding Member of the Council or the Committee, a member of the public can address the Committee or the Members personally or on behalf of a group of residents for up to 10 minutes on any item that is relevant to that Committee or the Council. A member of the public may make one (1) deputation per meeting.

A written request must be submitted to the Chief Executive no less than six (6) clear days prior to the date of the next meeting.

Petitions – Written petitions can be addressed to the Council on any issue within the Council's jurisdiction.

A petition to the Council must:

- a) be legibly written or typed or printed;
- b) clearly set out the request or submission of the petitioners;
- c) include the name and address of each person who signed or endorsed the petition; and
- d) be addressed to the Council and delivered to the Council by means determined by the CEO as follows:

Post to: PO Box 3, Port Broughton SA 5522; or

Email to: barunga@barungawest.sa.gov.au

Presentations - Presentations provide an opportunity for an organisation, Council Officer(s) or a member of the public, to provide the Council or a Committee with information relevant to a matter currently under consideration. The duration is up to 15 minutes, and is limited to one presentation per meeting.

A written request must be submitted to the Chief Executive no less than six (6) clear days prior to the date of the next meeting.

Elected Members – Members of the public can contact Members of Council to discuss any issue relevant to Council. Contact details for all Members are available on Council's website.

Community Consultation - Barunga West Council is committed to:

- being open, responsive and accountable government;
- being sensitive to the needs, interests and aspirations of individuals and groups within the community; and
- seeking to ensure a proper balance within the community between economic, social, environmental and cultural considerations.

Council's Public Communication and Consultation Policy provides Council's responsibilities to ensure effective communication and consultation with stakeholders are fulfilled. This policy is available via Council's website.

3 Access to Council Documents

3.1 Policy Documents

Barunga West Council has various Policy Documents. These are available either through our principle office, 11 Bay Street, Port Broughton or on Council's website.

3.2 Documents Required by Legislation

***At the time of publishing this statement, the policies section of Council's website is undergoing a full review to update.

Pursuant to Schedule 5 of the LG Act, a number of documents are made available from either the Council's website or Council's principal office at 11 Bay Street, Port Broughton during ordinary business hours (Most are free to inspect, however in some instances to obtain a copy, payment of a fee will be required):

Reviews of council constitution, wards and boundaries

- Representation options papers and reports on reviews of council composition or ward structure (Chapter 3 Part 1 Division 2, LG Act).

Registers and Returns

- Registers required under the LG Act or the *Local Government (Elections) Act 1999*, other than the Register of Interests kept for the purposes of Chapter 7 Part 4 Division 1 Subdivision 2 of LG Act.

Codes

- Codes of practice under the LG Act or the *Local Government (Elections) Act 1999*.

Meeting papers

- Notice and agenda for meetings of the council, council committees and electors.
- Minutes of meetings.

- Documents and reports (including attachments and any information or material referred to in the documents or reports) supplied to the council or a council committee that are able to be supplied to members of the public.
- Recommendations adopted by resolution of the council.
- Schedule of dates, times and places set for meetings of the council or council committee.

Information and briefing session papers

- Record made by Council or Chief Executive Officer relating to an order under section 90(2) (in accordance with section 90A(4)) made at or in relation to an information or briefing session.
- Record made by Council or Chief Executive Officer of the information that is required to be published as soon as practicable after the holding of an information or briefing session in accordance with section 90A(7)(b).

Policy and administrative documents

- Record of delegations under this Act (other than delegations made by the Minister)
- Contract and tenders policies
- Policy for the reimbursement of members' expenses
- Strategic management plans
- Draft annual business plan, annual business plan (after adoption by Council) and the summary required under the LG Act
- Annual budget (after adoption by council)
- Audited financial statements
- Annual report
- List of fees and charges
- Public consultation policies
- Behavioural management policies
- Behavioural support policies
- Employee behavioural standards
- Management plans for community land
- Policy on the making of orders
- Procedures for the review of council decisions (Chapter 13 Part 2, LG Act) and any report under section 270(8)
- Charter for subsidiaries established by the Council or for which the council is a constituent council

By-laws

- By-laws made by the Council
- Any determination in respect of a by-law made under section 246(3)(e) LG Act

3.3 Other Information Requests

Requests for other information not included in 3.1 and 3.2 above will be considered in accordance with the *Freedom of Information Act 1991*.

Freedom of Information applications should be submitted using the correct form and be as specific as possible to enable the correct documents to be identified. An application fee (as provided in item 4 below) must accompany the application at the time of lodgement. Application forms are available from the Council Office or on Council's website. Applications under this legislation will be dealt with as soon as practicable (and in any case, within 30 days) after receipt of payment.

All general enquiries regarding Freedom of Information should be directed to Council's Freedom of Information Officer or the Chief Executive Officer.

3.4 Amendment to Council Records

Under the FOI Act, a person may request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to these Council records, a person must complete and lodge with Council an application form as indicated above outlining the records that he/she wishes to inspect.

Where the documents require amending, details of the changes should be lodged with Council's Freedom of Information Officer.

There are no fees or charges for the lodgement or processing of this application and where significant correction of personal records is required and the mistakes were not the applicant's, all fees and charges paid for the original application will be fully refunded.

4. **Freedom of Information Application Fees and Processing Charges**

Application fees are Gazetted annually by the Minister and applied in accordance with the *FOI (Fees and Charges) Regulations 2018*.

Payment for the appropriate amount must be forwarded to Council with the Freedom of Information Application. Processing charges may also apply for dealing with the application, which will be invoiced upon determination.

Fees and charges will be waived for persons demonstrating financial hardship, in accordance with the *Freedom of Information (Fees and Charges) Regulations, 2018*.

Schedule	Fees & Charges (as at 1 July 2023)
On application for access to an agency's documents (section 13(c))	\$40.75
For dealing with an application for access to an agency's documents and in respect of the giving of access to the document (section 19(1)(b) and (c))—	
(a) In the case of a document that contains information concerning the personal affairs of the applicant—	
(i) for up to the first 2 hours spent by the agency in dealing with the application and giving access no charge	No charge
(ii) for each subsequent 15 minutes so spent by the agency	\$15.40
(b) in any other case – for each 15 minutes spent by the agency	\$15.40
Where access is to be given in the form of a photocopy of the document (per page)	25 cents

Where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$9.10
Where access is to be given in the form of a copy of a photograph, or on a digital storage device, the actual cost incurred by the agency in producing the copy	The actual cost incurred by the agency in producing the copy.
Postage or delivery charges	
On application for review by an agency, of a determination made by the agency under Part 3 of the FOI Act (section 29(2)(b))	\$40.75

At all times Council retains discretion to waive, reduce or remit a fee for any reason it thinks fit.

If in the Council's opinion, the cost of dealing with an application is likely to exceed the application fee, an advance deposit may be requested. The request will be accompanied by a notice that sets out the basis on which the amount of the deposit has been calculated. The Freedom of Information Officer will endeavour to work with the applicant to define the scope of the request and the costs involved.

Freedom of Information requests to Barunga West Council are to be addressed to:

Freedom of Information Officer
Barunga West Council
P O Box 3, Port Broughton SA 5522

To download an Application Form, please visit Council's website www.barungawest.sa.gov.au

Maree Wauchope
Chief Executive Officer

Dated: 10 August 2023

Schedule 1 Committees of Council

Council Committee	Section	Legislation
Audit and Risk Committee	S.126	<i>Local Government Act 1999</i>
Executive Committee	S.41	<i>Local Government Act 1999</i>
Council Assessment Panel	S.83	<i>Planning, Development and Infrastructure Act 2016</i>
Port Broughton Tourism and Events Committee	S.41	<i>Local Government Act 1999</i>
Governance Advisory Panel	S.41	<i>Local Government Act 1999</i>
Barunga West Art Committee	S.41	<i>Local Government Act 1999</i>
Port Broughton Community Library (Advisory) Committee	S.41	<i>Local Government Act 1999</i>
Building Fire Safety Committee	S.157	<i>Planning, Development and Infrastructure Act 2016</i>
Council Subsidiaries	Section	Legislation
Legatus Group - Central Local Government Region (Regional Subsidiary)	S.43	<i>Local Government Act 1999</i>
External Committees / Boards / Groups etc. where Council are represented		
Local Government of South Australia		
Local Government Finance Authority		
Flinders Mid North Yorke Bushfire Management Committee (BMC)		
Yorke and Mid North Zone Emergency Management Committee (ZEMC)		
Port Broughton District Hospital and Health Advisory Council (HAC)		
Port Broughton Area School Governing Council		
Barunga Village Inc.		
Barunga West Road Safety Committee		
Barunga West Dementia Friendly Community Alliance		
Pacific Blue – Clements Gap Community Funding Panel		
Alford Progress Association		
Bute 200 Onwards Committee		
Fisherman Bay Progress Association		
Kulpara progress Association		
Mundoora Progress Association		
Tickera Community and Recreation Association Inc.		